

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
COURT FILE NO.: 2:08-cv-14241**

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ROBERT LEVANDER

Plaintiff,

-vs-

I.C. SYSTEM, INC., and

JOHN DOE,

Defendants

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**PLAINTIFFS' FEE APPLICATION**

**[ORAL ARGUMENT REQUESTED]**

**FEE APPLICATION OF  
PLAINTIFF'S COUNSEL**

**NOW COME** Rex C. Anderson, Attorney for Plaintiff in the above entitled action and hereby state his petition for allowance of fees and costs as follows:

1. That Plaintiff's attorney seek approval of fees in the amount of \$62,12.25 encompassing 187.52 hours for Plaintiff's attorney time at the rate of \$300.00 per hour for a total of \$56,256.00 and; 47 hours for paralegal time at the rate of \$125.00 per hour for a total of \$5876.25. In addition, Plaintiff's counsel seeks costs in the amount of \$2732.34 including mileage. No retainer in this matter has been received by counsel.

2. Services were rendered in this case from July 23, 2008 through the present date.

3. Applicant have represented the Plaintiff for purposes of enforcing 15 USC 1692 et seq., as a private attorney general against Defendant's unlawful, false, deceptive, harassing, oppressive and abusive practices. Applicants prepared and filed an complaint under 15 USC 1692 et seq.. Counsel prepared and responded to numerous discovery requests, attended several hearings in this matter and addressed issues relating to same.

4. Applicant spent much time attempting to obtain discovery which would not otherwise been spent but for Defendant's refusal to comply with the discovery rules.

5. Defendant took its chances by submitting an ineffective offer of judgment on or about February 3, 2009, four months after the complaint was filed and after significant hours were already spent by Applicant.

6. Despite being apprised of plaintiff's bankruptcy case on December 1, 2008, defendant did not bring its Motion to Limit Damages until March 6, 2009 and did so despite case law clearly showing that attorney fees on pre-petition FDCPA claims are not included in the bankruptcy estate.

7. Defendant aggressively defended this case, as was its right. This defense produced a large amount of litigation, and significantly increased the number of hours Plaintiff's attorney committed to this case.

8. On June 10, 2009, applicant provided documentation of time entries and costs upon Defense counsel's request and indicated a willingness to discuss (which still holds true) but has not heard back.

9. Plaintiff's counsel has documented total fees and costs of \$64,855.59 but is discounting this total amount by 20% (\$12,971.12) and requests this court to award \$51,884.47.

WHEREFORE Applicants respectfully request this Honorable Court allow fees and costs in the amount of \$51,884.47.

Monday, June 15, 2009

/s/ Rex C. Anderson  
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### **CERTIFICATE OF SERVICE**

I certify that on June 15, 2009, the foregoing papers were electronically filed with the Clerk of the Court using the Court's electronic filing system which will send notification of such filing to the following:

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